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Concerning the establishment of a Joint Commission for the United States-Mexico Border Region.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

Mr. RICHARDSON submitted the following concurrent resolution; which was referred jointly to the Committees on Foreign Affairs, Energy and Commerce, and Public Works and Transportation

CONCURRENT RESOLUTION

Concerning the establishment of a Joint Commission for the United States-Mexico Border Region.

Whereas the North American Free Trade Agreement (NAFTA) will increase the flow of commerce and trade between the United States and Mexico;

Whereas the lack of environmental facilities, enforcement, and economic growth in the United States-Mexico border region has caused widespread public health problems and environmental problems, including serious degradation of air quality, quality and availability of transboundary ground water and surface water supplies, and soil quality;

Whereas increased levels of commerce, trade, and economic development under NAFTA will exacerbate the existing

public health problems and environmental problems in such border region;

Whereas, although economic growth under NAFTA will also create more resources to protect the environment in such border region, such resources will not make an immediate or significant reduction in the border region's public health problems and environmental problems;

Whereas such health and environmental problems will necessitate expanding the level of bilateral environmental cooperation between the United States and Mexico;

Whereas one method of bilateral environmental cooperation would be to establish a joint commission aimed at complementing the activities of the International Boundary and Water Commission, alleviating public health problems and environmental problems in the United States-Mexico border region, and expanding bilateral environmental cooperation on a nationwide basis;

Whereas there has been great concern expressed both in the United States and in Mexico that insufficient financial resources exist at the Federal levels in both nations to deal with the public health problems and environmental problems in such border region;

Whereas the best alternative to Federal funding for projects to alleviate public health problems and environmental problems in such border region is to establish access to the international capital markets for public and private financial organizations with the power to incur and issue debt;

Whereas the establishment of access to the international capital markets for public and private financial organizations

would initially require a form of credit enhancement for any debt instruments issued by such organizations;

Whereas the debt instruments issued by such organizations would be used to fund projects to create, replace, or improve the environmental infrastructure facilities in the United States-Mexico border region;

Whereas the users of environmental infrastructure facilities in both the United States and Mexico would be the revenue base for the repayment on such instruments issued by such organizations;

Whereas currently no means of credit enhancement exist to guarantee the debt of such organizations;

Whereas there is mutual agreement between the United States and Mexico to increase technical assistance provided between the two nations relating to environmental issues;

Whereas there is a need to promote greater public participation and public disclosure relating to public health issues and environmental issues in the United States-Mexico border region, including requiring businesses located in the Mexican part of such border region to comply with reporting requirements similar to the hazardous substances reporting requirements under United States Federal law; and

Whereas there is a need to promote greater voluntary service and corporate philanthropy in such border region: Now, therefore, be it

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring),*

1 **SECTION 1. SHORT TITLE.**

2 This concurrent resolution may be cited as the “Joint
3 Commission for the United States-Mexico Border Region
4 Resolution”.

5 **SEC. 2. ESTABLISHMENT OF BILATERAL COMMISSION.**

6 (a) IN GENERAL.—The Congress urges the President
7 to reach an agreement with Mexico on the establishment
8 of a joint commission (in this concurrent resolution re-
9 ferred to as the “Commission”) between the United States
10 and Mexico to help alleviate public health problems and
11 environmental problems in the United States-Mexico bor-
12 der region caused by the lack of environmental infrastruc-
13 ture capacity in such border region, the growing shortages
14 of ground and surface water resources shared by both na-
15 tions, and by the increased levels of commerce, trade, and
16 economic development under the North American Free
17 Trade Agreement (in this concurrent resolution referred
18 to as “NAFTA”).

19 (b) TIME LIMIT.—The agreement described in sub-
20 section (a) should be reached not later than the effective
21 date of the legislation implementing NAFTA.

22 **SEC. 3. COMPOSITION.**

23 The Commission should be composed of 12 members,
24 6 of whom should represent the United States and 6 of
25 whom should represent Mexico. Of the 6 members rep-

1 resenting the United States, the President should ap-
2 point—

3 (1) the Administrator of the Environmental
4 Protection Agency as the head of the United States
5 delegation;

6 (2) the Commissioner of the United States sec-
7 tion of the International Boundary and Water Com-
8 mission; and

9 (3) one representative from—

10 (A) the Department of Health and Human
11 Services;

12 (B) the Department of the Interior;

13 (C) the Department of Housing and Urban
14 Development; and

15 (D) the Department of Agriculture.

16 **SEC. 4. DUTIES.**

17 (a) BORDER ENVIRONMENTAL GUARANTY FUND.—

18 The Commission should establish and oversee a Border
19 Environmental Guaranty Fund (in this concurrent resolu-
20 tion referred to as the “Fund”) to provide financial guar-
21 antees for the repayment of debt instruments issued by
22 public and private financial organizations, the proceeds of
23 which are used to fund projects to create, replace, or im-
24 prove the environmental infrastructure in the United

1 States-Mexico border region. The Fund should meet the
2 following requirements:

3 (1) The United States and Mexico should each
4 contribute not less than \$100,000,000 to the Fund.

5 (2) The obligations of the Fund should not
6 have any guaranty, express or implied, of the United
7 States Government.

8 (3) The guaranty of the Fund should confer on
9 underlying debt instruments issued by public and
10 private financial organizations the lowest investment
11 grade ratings from independent and internationally
12 recognized securities rating organizations for the
13 purpose of leveraging the Fund to the maximum ex-
14 tent possible so that the greatest possible ratio exists
15 between the amount of debt guaranteed by the Fund
16 and the amount of capital in the Fund.

17 (4) The Fund should have a board of directors
18 to provide financial management of the Fund and
19 management of projects guaranteed by the Fund.
20 The board should be composed of 10 members, 5 of
21 whom should represent the United States and 5 of
22 whom should represent Mexico.

23 (5) Members of the board should be reimbursed
24 for reasonable expenses incurred in carrying out

1 their duties, and such expenses should be paid for
2 equally by both the United States and Mexico.

3 (6) The board should be provided with an inde-
4 pendent staff in order to carry out its duties in a
5 prudent and timely manner.

6 (b) TECHNICAL COOPERATION PROGRAM.—The
7 Commission should establish a program to provide for
8 technical assistance and the exchange of personnel for en-
9 vironmental coordination activities between the United
10 States and Mexico (including the provision of technical as-
11 sistance to Mexico from representatives of the Environ-
12 mental Protection Agency and other relevant Federal
13 agencies), including training in activities such as environ-
14 mental impact assessment, the development of environ-
15 mental standards, enforcement of such standards, pollu-
16 tion prevention and control, the control of the use of pes-
17 ticides, waste management, response to chemical emer-
18 gencies, toxic emissions reporting, marine pollution, con-
19 servation activities, and urban planning and infrastructure
20 development.

21 (c) PROCEDURES TO PROMOTE INCREASED PUBLIC
22 PARTICIPATION AND PUBLIC DISCLOSURE RELATING TO
23 PUBLIC HEALTH AND ENVIRONMENTAL ISSUES.—The
24 Commission should establish procedures to promote in-
25 creased public participation and public disclosure relating

1 to public health issues and environmental issues in the
2 United States-Mexico border region. In establishing such
3 procedures, the Commission should meet the following re-
4 quirements:

5 (1) The Commission should establish no fewer
6 than 2 regional border offices to foster community
7 outreach, public participation, and border volunteer
8 initiatives in the United States-Mexico border
9 region.

10 (2) The Commission should be given the au-
11 thority to require businesses located in the Mexican
12 part of the United States-Mexico border region to
13 comply with reporting requirements similar to those
14 described in the Emergency Planning and Commu-
15 nity Right-To-Know Act of 1986 (42 U.S.C. 11001
16 note).

17 (3) The Commission should consult with the
18 Border Environmental Public Advisory Committee of
19 the Environmental Protection Agency so that exper-
20 tise from the private and public sectors is readily
21 available to the Commission in the areas of public
22 health, agriculture, housing and urban development,
23 conservation, and public voluntary service.

24 (d) UNITED STATES-MEXICO BORDER REGION VOL-
25 UNTEER SERVICE.—The Commission should, in conjunc-

1 tion with the Commission on National and Community
2 Service, establish a United States-Mexico Border Volun-
3 teer Service, which—

4 (1) in cooperation with the Small Business Ad-
5 ministration, should work to expand the activities of
6 the Senior Corps of Retired Executives (SCORE) in
7 the fields of public health, civil engineering, environ-
8 mental sciences, urban planning, and architecture;

9 (2) should provide assistance and advice to bor-
10 der area not-for-profit organizations on projects
11 aimed at addressing the array of environmental
12 health, housing, and social service needs of the
13 United States-Mexico border region; and

14 (3) should promote initiatives aimed at increas-
15 ing the level of corporate philanthropy among busi-
16 nesses in the United States-Mexico border region for
17 the purpose of alleviating public health problems and
18 environmental problems in such border region.

19 **SEC. 5. POWERS.**

20 (a) **HEARINGS AND SESSIONS.**—The Commission
21 should, for the purpose of carrying out its duties under
22 section 4, hold hearings, sit and act at times and places,
23 take testimony, and receive evidence as the Commission
24 considers appropriate, including holding hearings on all
25 matters and issues under the jurisdiction of the Inter-

1 national Boundary and Water Commission. All such hear-
2 ings should be open to the public.

3 (b) APPOINTMENT OF INVESTIGATORY BOARDS.—

4 The Commission should appoint 1 or more boards com-
5 posed of qualified individuals to conduct on the behalf of
6 the Commission investigations and studies which the Com-
7 mission determines necessary to provide oversight of the
8 Fund described in section 4(a) and the technical coopera-
9 tion program described in section 4(b).

10 **SEC. 6. REPORTS.**

11 The Commission should submit an annual report to
12 both the United States Government and the Government
13 of Mexico regarding all activities of the Commission dur-
14 ing the current year.

15 **SEC. 7. UNITED STATES-MEXICO BORDER REGION DE-**

16 **FINED.**

17 For purposes of this concurrent resolution, the term
18 “United States-Mexico border region” means the area lo-
19 cated in the United States and Mexico within approxi-
20 mately 65 miles of the border between the United States
21 and Mexico.

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